

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD ANDREW,
Petitioner,

V.

KENNETH NELSON,
Respondent.

Civil Action No. 04-11895-REK

**MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSIVE PLEADING TO PETITION FOR HABEAS CORPUS**

Respondent, through counsel, respectfully requests that this Court enlarge the time to file an answer or other responsive pleading and to extend the deadline to file such a pleading to December 29, 2004. In support thereof, respondent states that:

1. Pursuant to this Court's order of November 8, 2004, an answer or responsive pleading is currently due on November 29, 2004.
2. The Court's order also requests that respondent provide state court record documents showing whether Petitioner exhausted his state remedies prior to filing this action.
3. Undersigned counsel has requested, but not yet received, the relevant state court record documents.
4. Respondent therefore requires a brief additional time to obtain the state court record and to prepare an appropriate responsive pleading or dispositive motion.
5. Respondent has requested no prior extensions of time in this action.

For these reasons, respondent respectfully requests that this motion be allowed, and that the time to file a responsive pleading be extended to December 29, 2004.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

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ATTORNEYS FOR RESPONDENT

Dated: November 24, 2004